
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

James K. Collins,

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Plaintiff,

versus

Civil Action H-20-1897

D.R. Horton-Texas, LTD.,

Defendant.

ENTERED

August 14, 2020

David J. Bradley, Clerk

Opinion on Dismissal

1. *Background.*

D.R. Horton-Texas, LTD., purchased land in Montgomery County, Texas, to subdivide. Its land abuts land owned by Toni and James Collins.

While Horton was surveying its property, the Collinses built a fence on Horton's land and claimed it is theirs. In that case, the trial court ruled that the land belongs to Horton, and the Fourteenth Court of Appeals affirmed that judgment.

James Collins now sues Horton over the same property. He will lose.

2. *Res Judicata.*

Res judicata precludes a case when: (a) the parties are the same in it and the prior case; (b) the judgment in the prior action was rendered by a court of competent jurisdiction; (c) the final judgment was on the merits; and (d) the actions are about the same claim.¹ All four elements are met.

The parties are identical to those in the state suit, as is the claim – in both cases, Collins attacks the validity of the judgment that established the survey boundaries.

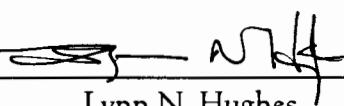
The district court in Montgomery County, Texas, is a court of competent jurisdiction and well-learned in real estate law. It signed a judgment for Horton and quieted title to the property in it. The appellate court affirmed; the judgment is final.

¹ See *Test Masters Educ. Servs., Inc. v. Singh*, 428 F.3d 59, 571 (5th Cir. 2005).

3. *Conclusion.*

Because this case is barred by *res judicata*, it will be dismissed with prejudice.

Signed on August 14, 2020, at Houston, Texas.



Lynn N. Hughes
United States District Judge